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TAGS: [PTER](#) [ASEC](#) [PREL](#) [TS](#)
SUBJECT: TUNISIA: NINETEEN CONVICTED IN TERRORISM TRIALS

REF: A. TUNIS 827
[1](#)B. TUNIS 168
[1](#)C. TUNIS 79
[1](#)D. TUNIS 78
[1](#)E. TUNIS 75

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d).

Summary

[1](#)1. (C) Nineteen Tunisians have been convicted of varying degrees of involvement in terror planning in two separate trials in the past two weeks. One of the defense attorneys who represented clients in both cases offered his assessment that a few of those convicted had indeed intended to carry out attacks in Tunisia. It was not clear they had the means, however. He said most of the defendants were innocent, but were considered by the state to be guilty by association. He complained that no material evidence had been presented against the accused. These cases are the latest in a steady stream of trials under Tunisia's 2003 anti-terror legislation and are part of a spike in caseload as a result of sweeps following the GOT's take-down of the "Soliman" cell in December 2006-January 2007. End Summary.

19 Convictions in Terror Cases; Caseload Continues Apace

[1](#)2. (SBU) The Tunis Court of First Instance in two separate trials sentenced nineteen Tunisians on various counts under Tunisia's 2003 anti-terror legislation. Their sentences ranged from two to eight years in prison.

-- In the first case, thirteen Tunisians were sentenced on August 23 to belonging to a terrorist organization in Tunisia and planning to carry out terrorist attacks in the country. Some members of this group were also charged with trying to dispatch "jihadists" to Lebanon.

-- On August 18 the same court convicted six defendants of attempting to establish a terrorist camp to train fighters to go to Iraq. One of the six was said to have been caught returning to Tunisia from Algeria.

[1](#)3. (C) Tunisia has seen a steady stream of anti-terror cases since the passage of its 2003 anti-terrorism legislation. According to defense attorneys, there has been a surge in such cases in recent months. This is because the large numbers of arrests in the aftermath of the December 2006-January 2007 GOT takedown of the "Soliman" terror cell are now coming to fruition (see Refs C-E). (Note: It

usually takes between nine months and two years for a terrorism case to be heard in court.) One highly sought after defense lawyer said that he has on average one such case per day.

The Defense Perspective:
A Few Intended to Carry Out Terrorist Acts

¶4. (S) In a August 29 conversation with Pol/EconCouns, Samir Ben Amor (protect), counsel to several of the defendants in these cases, offered his assessment that some of those accused in these two most recent cases did indeed have the intention of carrying out the acts for which they were convicted. He said that these men would describe themselves as adherents to the Salafi school of Islam. He indicated that these ringleaders had links with those who had been involved in the December 2006-January 2007 "Soliman" terror cell (Ref B). Most of these 19 defendants, however, had not been directly involved. Rather, he said, many had been unwitting associates. To illustrate his point, he noted that when police arrest one suspect, they then review all incoming and outgoing calls to his cell phone and sweep up everyone with whom the suspect had been in contact. Family members, he continued, are often considered guilty by association. He said in the second case, there was just one individual who in 2004 conceived the plan to recruit jihadists to fight in Iraq and establish a training camp to prepare them. The rest of those convicted had rejected these recruitment efforts. In the interim, they had gone on to live productive lives, with some getting married. They were found guilty of failing to notify the authorities that they had been targeted for recruitment.

Irregularities in the Process

¶5. (C) Ben Amor charged that there were several irregularities in the handling of these two most recent cases. First, the defendants had had access to lawyers, he said, but the lawyers had not been given enough time to properly prepare for trial. In addition, the defendants in the first case were not even interrogated during their trial. In neither trial, he said, did the prosecutors present any material evidence against the accused. He noted that none of the three judges who hear terror-related cases in the Tunis Court of First Instance enforce the protection of the defendants' legal guarantees. He has filed appeals in both cases and expects that they will be heard in two to four months.

A Lawyer's Insight Into What's Behind this Trend

¶6. (C) Ben Amor said that he has seen a shift in his clients' attitudes and motives over the past several years. (See also Refs C-E.) In 2003-2004, he said, there was a lot more talk about volunteering to fight in Iraq, Palestine, or Afghanistan. In the past couple of years, however, there has been a greater tendency to sign up for "jihad" in Tunisia. Ben Amor attributed this shift to several factors: young men feel marginalized in Tunisia; if they have grievances, there is no one for them to bring them to. They also complain of injustice. He said the security services' harassment of observant Muslims had been a key motivating factor for several clients. In particular, he said, they objected to the GOT's campaign against women wearing the Islamic veil. He also noted that the defendant who had been caught returning to Tunisia from Algeria explained that he had gone to live there after marrying a second wife, since polygamy is illegal in Tunisia. On a more practical level, Ben Amor said, it has become much more difficult for would-be jihadists to leave the country; the borders are better patrolled. Finally, Ben Amor assessed that al-Qaeda's strategy of developing multiple fronts to "distract" the

Americans and US-sympathizers had gained traction.

Comment

¶7. (C) Ben Amor estimated that between 1,000-2,000 Tunisians have been arrested on terrorism related charges since the passage in 2003 of comprehensive anti-terror legislation. According to his assessment, only a small fraction belong in jail. As he put it, "Tunisia has many so-called 'terrorists' but there have been no acts of terrorism." In its haste to neutralize a serious threat, the GOT is trampling the rights of the accused, such as by allowing such cases to be prosecuted on the basis of flimsy, or no, material evidence. As a result, it risks damaging what little credibility the justice system has. It also risks enflaming the sense of injustice, which Ben Amor identified as a widely held motivating factor for those who have embraced violent extremism. End Comment.

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